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FILED

Exempt from fees per Gov't code 6103
To the benefit of the City of San Diego

2008 AUG 14 PM 4:08

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

Attorneys for Defendants
City of San Diego, Police Chief William Lansdown; and Officer M. Czas

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

OCIE HENDERSON, the Administrator of the
Estate of RAMEL HENDERSON

Plaintiffs,

v.

CITY OF SAN DIEGO; POLICE CHIEF
WILLIAM LANSDOWN; POLICE OFFICER
M. CZAS and DOES 1 through 50, inclusive,
all individually and in their official capacities, as
agents or employees, of the CITY OF SAN
DIEGO,

Defendants.

Case No.

'08 CV 1491 JMA

**NOTICE OF REMOVAL OF CIVIL
ACTION**

[28 U.S.C. § 1446]

(San Diego Superior Court Case No.
37-2008-00086047-CU-PO-CTL)

TO: PLAINTIFF AND HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that Defendants, City of San Diego, Police Chief William
Lansdown, and Police Officer M. Czas, in the above-entitled action, have removed the action to
the United States District Court for the Southern District of California.

STATEMENT OF GROUNDS FOR REMOVAL

Plaintiff alleges that police officers used excessive force on Ramel Henderson in
violation of his rights under state and federal law resulting in his death.

The First Cause of Action in the Complaint alleges, "... as a direct and proximate result
of the aforementioned unlawful and malicious physical abuse of DECEDENT by Defendant
CZAS and Defendants DOES 1 through 50, committed under color of law and under each

1 individual's authority as Police Officer with the CITY OF SAN DIEGO'S Police Department,
2 Ramel Henderson suffered grievous bodily harm and was deprived of his right to be secure in his
3 person, against unreasonable seizure of his person and the use of excessive force, in violation of
4 the Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C.
5 §1983. . . ."

6 The Second Cause of Action alleges, ". . . [a]cting under color of law, by and through the
7 policy-makers and pursuant to official policy or custom and practice, the CITY OF SAN DIEGO
8 intentionally, knowingly, recklessly, or with deliberate indifference to the rights of the Citizens
9 of San Diego and specifically DECEDENT, Ramel Henderson failed to instruct, supervise,
10 control, and/or discipline, on a continuing basis, their respective employees, in the performance
11 of their duties . . ."

12 The Third Cause of Action alleges, ". . . [t]he actions of Defendant CZAS and Defendants
13 DOES 1 through 50 in causing the death of Ramel Henderson were wrongful, in that said
14 Defendants used excessive force and/or deadly force against Mr. Henderson at a time when he
15 did not present any threat of death or great bodily injury to the police officers or the public,
16 Based on the above, the use of deadly force against him was unjustified and unreasonable under
17 the circumstances. As a proximate result of these acts, Defendant CZAS and Defendants DOES 1
18 through 50, caused Ramel Henderson to be fatally injured, and thereby resulting in the his death
19 while in custody..."

20 The Fourth Cause of Action alleges, ". . . The aforescribed acts and omissions of
21 defendants were done maliciously, knowingly and willfully and in callous and reckless disregard
22 of DECEDENT's and Plaintiff's constitutional rights . . ."

23 This Court has original jurisdiction of the action pursuant to the provisions of 28 U.S.C.
24 section 1331, and the action may therefore be removed to this Court by Defendants City of San
25 Diego, Police Chief William Lansdown, and Police Officer M. Czas, pursuant to the provisions
26 of 28 U.S.C. sections 1441(b) and (c).

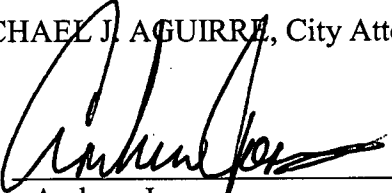
27 Copies of all process and pleadings served on Defendant City of San Diego in the above-
28 entitled action are attached hereto as Exhibit A. The Complaint was served on the City of San

1 Diego on July 18, 2008, and as such, this Notice of Removal is filed with this Court within thirty
2 days after Defendant City of San Diego was served with the Complaint filed in San Diego
3 Superior Court.

4 Dated: August 14, 2008

MICHAEL J. AGUIRRE, City Attorney

6
7 By


Andrew Jones
Deputy City Attorney

8
9 Attorneys for Defendant
City of San Diego, Police Chief William
Lansdown; and Officer M. Czas

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 OCIE HENDERSON, the Administrator of the
4 Estate of RAMEL HENDERSON

Case No.:
(SDSC Case No. 37-2008-86047-CU-PO-CTL)

5 Plaintiffs,

DECLARATION OF SERVICE

6 v.

7 CITY OF SAN DIEGO; POLICE CHIEF
8 WILLIAM LANSDOWN; POLICE OFFICER
9 M. CZAS and DOES 1 through 50, inclusive,
all individually and in their official capacities,
as agents or employees, of the CITY OF SAN
DIEGO,

10 Defendants.

11 I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and
12 not a party to this action; and that I served the individuals on the service list attached hereto the
13 following documents: **CIVIL CASE COVER SHEET; NOTICE OF REMOVAL OF CIVIL
ACTION**, in the following manner:

14 1)___ By personally serving the individual named by personally delivering the copies to
the offices of the addressee.

15 Time of delivery: _____ a.m./p.m.

16 2)___ By leaving, during usual office hours, copies in the office of the person served
17 with the person who apparently was in charge and thereafter mailing copies (first
18 class mail, postage prepaid) to the person served at the place where the copies
were left.

19 3) XX By placing a copy in a sealed envelope and placing it for collection and mailing
20 with the United States Postal Service this same day, at my address shown above,
following ordinary business practices.

21 Ronnivashti Whitehead
22 Willoughby & Associates
23 200 Corporate Pointe Ste 495
Culver City, CA 90230
24 Tel: (310) 642-0600
Fax: (310) 642-4710
25 Attorney for Plaintiff

26 Executed: August 14, 2008, at San Diego, California.

27 
28 CARMEN SANDOVAL

EXHIBIT A

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

CITY OF SAN DIEGO; POLICE CHIEF WILLIAM LANSDOWN; POLICE OFFICER M. CZAS, and DOES 1 through 50, inclusive, all individually and in their official capacities, as agents or employees, of the CITY OF SAN DIEGO,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

OCIE HENDERSON, the Administrator of the Estate of RAMEL HENDERSON

FOR COURT USE ONLY
(SÓLO PARA USO DE LA CORTE)
RECEIVED
CITY CLERK'S OFFICE
03 JUL 18 AM 11:40
SAN DIEGO, CALIF.

COPY TO: CITY ATTORNEY

RISK MANAGEMENT

DATE 7-18-08

DOC NAME Brenda

RECEIVED BY: MAIL

OTC

NO

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at the court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms at the information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Hall of Justice
330 West Broadway

San Diego, CA 92101

Central

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Ronnivashti Whitehead

310-642-0600 310-642-4710

Willoughby & Associates

200 Corporate Pointe Suite 495

Culver City, CA

DATE:

JUN 18 2008

Clerk, by

D. SMITH

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- ☒ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): City of San Diego

- under: ☒ CCP 416.10 (corporation) CCP 416.60 (minor)
CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
other (specify):

- by personal delivery on (date):

Page 1 of 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 330 West Broadway	
MAILING ADDRESS: 330 West Broadway	
CITY AND ZIP CODE: San Diego, CA 92101	
BRANCH NAME: Central	
TELEPHONE NUMBER: (619) 450-7060	
PLAINTIFF(S) / PETITIONER(S): Ocie Henderson Administrator of the Estate of Ramel Henderson	
DEFENDANT(S) / RESPONDENT(S): City of San Diego et.al.	
OCIE HENDERSON ADMINISTRATOR OF THE ESTATE OF RAMEL HENDERSON VS. CITY OF SAN DIEGO	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2008-00086047-CU-PO-CTL

Judge: Yuri Hofmann

Department: C-60

COMPLAINT/PETITION FILED: 06/18/2008

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NUMBER: 37-2008-00086047-CU-PO-CTL

CASE TITLE: Ocie Henderson Administrator of the Estate of Ramel Her

NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Alternative Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.1.5, Division II and CRC Rule 201.9.

ADR POLICY

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR – i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial.

ADR OPTIONS

1) CIVIL MEDIATION PROGRAM: The San Diego Superior Court Civil Mediation Program is designed to assist parties with the early resolution of their dispute. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participate in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non-binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute – the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation and allow for more flexibility in creating a resolution.

Assignment to Mediation, Cost and Timelines: Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for county-referred mediation: \$150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is considered, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause.

2) JUDICIAL ARBITRATION: Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Assignment to Arbitration, Cost and Timelines: Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under \$50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court

3) SETTLEMENT CONFERENCES: The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference judge.

4) OTHER VOLUNTARY ADR: Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Alternative Dispute Resolution Process" which is included in this ADR package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 238-2400.

ADDITIONAL ADR INFORMATION: For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central		FOR COURT USE ONLY
PLAINTIFF(S): Ocie Henderson Administrator of the Estate of Ramel Henderson		
DEFENDANT(S): City of San Diego et.al.		
SHORT TITLE: OCIE HENDERSON ADMINISTRATOR OF THE ESTATE OF RAMEL HENDERSON VS. CITY OF SAN DIEGO		
STIPULATION TO ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221)		CASE NUMBER: 37-2008-00086047-CU-PO-CTL

Judge: Yuri Hofmann

Department: C-60

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management time-lines.

- | | |
|---|---|
| <input type="checkbox"/> Court-Referred Mediation Program | <input type="checkbox"/> Court-Ordered Nonbinding Arbitration |
| <input type="checkbox"/> Private Neutral Evaluation | <input type="checkbox"/> Court-Ordered Binding Arbitration (Stipulated) |
| <input type="checkbox"/> Private Mini-Trial | <input type="checkbox"/> Private Reference to General Referee |
| <input type="checkbox"/> Private Summary Jury Trial | <input type="checkbox"/> Private Reference to Judge |
| <input type="checkbox"/> Private Settlement Conference with Private Neutral | <input type="checkbox"/> Private Binding Arbitration |
| <input type="checkbox"/> Other (specify): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate: (mediation & arbitration only) _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, 3.1385. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all un-served, non-appearing or actions by names parties are dismissed.

IT IS SO ORDERED.

Dated: 06/18/2008

JUDGE OF THE SUPERIOR COURT

1 WILLOUGHBY & ASSOCIATES
2 W. ANTHONY WILLOUGHBY, ESQ. SBN# 137503
3 RONNIVASHTI WHITEHEAD, ESQ. SBN# 243321
4 200 Corporate Pointe, Suite 495
5 Culver City, California 90230
6 Tel: (310) 642-0600
7 Fax: (310) 642-4710

8 Attorneys for Plaintiff,
9 ESTATE OF RAMEL HENDERSON

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, CENTRAL JUDICIAL DISTRICT

OCIE HENDERSON, the Administrator of
the Estate of RAMEL HENDERSON.

Plaintiff,

vs.

CITY OF SAN DIEGO; POLICE CHIEF
WILLIAM LANSDOWN; POLICE
OFFICER M. CZAS, and DOES 1 through
50, inclusive, all individually and in their
official capacities, as agents or employees, of
the CITY OF SAN DIEGO,

Defendants.

Case No.: 37-2008-00086047-CU-PO-CTL

COMPLAINT FOR:

1. EXCESSIVE USE OF FORCE
(42 U.S.C. §1983)
2. FAILURE TO INSTRUCT,
TRAIN, SUPERVISE, ETC (42
U.S.C. §1983)
3. WRONGFUL DEATH
4. SURVIVAL ACTION
5. NEGLIGENCE

PLAINTIFF DEMANDS TRIAL BY
JURY

COMES NOW Plaintiff, OCIE HENDERSON, in his capacity as Administrator of the Estate of
RAMEL HENDERSON, by and through its attorneys of records, Willoughby & Associates and for
its causes of action state as follows:

INTRODUCTORY STATEMENT

1
2 1. This is a civil action seeking money damages against Defendant POLICE OFFICER M.
3 CZAS (hereinafter referred to as "Defendant CZAS") and other unknown police officers of
4 the San Diego Police Department, (DOES 1 through 50), who used excessive force,
5 assaulted, battered, and killed RAMEL HENDERSON (hereinafter "DECEDENT" or
6 "decedent RAMEL HENDERSON), against POLICE CHIEF WILLIAM LANSDOWN
7 (hereinafter "LANSDOWN") as the supervisory officer responsible for the conduct of the
8 defendants and for his failure to take corrective action with respect to police personnel whose
9 vicious propensities were notorious, to assure proper training and supervision of the
10 personnel, or implement meaningful procedures to discourage lawless official conduct, and
11 against, Defendant CITY OF SAN DIEGO (hereinafter referred to as "CITY") as the
12 employer of the police personnel which is sued as a person under 42 U.S.C. § 1983. Said
13 officers committed acts, under color of law, which deprived decedent, Ramel Henderson and
14 his heirs, representatives and survivors, of rights secured under the Constitution and laws of
15 the United States. Defendant CITY is liable for Plaintiff's damages because it failed to
16 train, instruct, supervise, control, and discipline its respective employees, and each of them,
17 on a continuing basis, and said failure was a result of official policy, or the custom, practice,
18 and usage of said CITY and that the policymakers of said CITY were deliberately indifferent
19 to the rights of the inhabitants of said CITY, and that said conduct caused the deprivation of
20 Plaintiff's rights secured under the United States Constitution, the laws of the United States,
21 and the laws of the State of California.

22
23 2. This action is brought pursuant to 42 U.S.C. §1983, and §1988, and the Fourth, Thirteenth
24 and Fourteenth Amendments to the United States Constitution. The Court has jurisdiction
25 of this action under 42 U.S.C. §1983.

26 ///

27 ///

28

1 3. Plaintiff brings this actions for such heirs, representatives, survivors at law of decedent
2 RAMEL HENDERSON to vindicate the violation of decedent's civil rights and to redress
3 the deprivation of their own civil rights under U.S.C. §1983, and to assert their claim for
4 wrongful death pursuant to Code of Civil Procedure §377, and all claims of Ramel
5 Henderson that survive his death, Probate Code §573.

6
7 4. On November 20, 2007, Plaintiff OCIE HENDERSON, on behalf of the Estate of RAMEL
8 HENDERSON filed a claim with the CITY OF SAN DIEGO (hereinafter the "CITY") in
9 order to comply with the applicable claim filing requirements. The CITY rejected said claim
10 on January 9, 2008.

11 **PARTIES**

12 5. OCIE HENDERSON in his capacity as administrator of the estate of RAMEL
13 HENDERSON is a citizen and resident of Los Angeles County, City of Monrovia, State of
14 California.

15
16 6. Decedent, RAMEL HENDERSON was a resident of the city of San Diego, San Diego
17 County, State of California, at the time of his death.

18
19 7. For the purposes of this action, OCIE HENDERSON has been appointed the administrator
20 of the estate of RAMEL HENDERSON. The sole heirs of RAMEL HENDERSON are his
21 children, son DONTE HENDERSON, a minor and daughter JENNELLE HENDERSON.

22
23 8. At all times mentioned until his death on May 30, 2007, Ramel Henderson was in good
24 physical condition, and was the faithful and dutiful father to DONTE HENDERSON and
25 JENNELLE HENDERSON.

26 ///

27 ///

9. Defendant LANSDOWN was at all times relevant to the incidents which are the subject of this lawsuit, the Chief of the San Diego Police Department. As such, he is the responsible party for supervising the training, instruction, discipline, control and conduct of Defendant Police Officers. He is also charged with promulgating all orders, rules, instructions and regulations of the San Diego Police Department including but not limited to those orders rules, instructions and regulations concerning the use of force. He is sued both individually and in his official capacity. Upon information and belief, Defendant LANSDOWN is a resident of San Diego County, State of California.

10. Defendant CITY OF SAN DIEGO is organized and existing under the laws of the State of California. In this cause the CITY OF SAN DIEGO (hereinafter "CITY")acted through its agents, employees, and servants, who was or were the policymakers for the CITY'S Police Department, and through Defendants OFFICER M. CZAS and DOES 1 through 50.

11. At all times referred to herein, Defendants OFFICER M. CZAS and DOES 1 through 50 acted under color of the laws, statutes, ordinances, regulations, policies customs and usages of the State of California, the CITY OF SAN DIEGO, and the CITY OF SAN DIEGO' Police Department and pursuant to their authority as police officers of said Department and CITY.

12. Plaintiff sues Defendants OFFICER M. CZAS and DOES 1 through 50 each in their individual and official capacities.

13. DOES 1 through 50, are sued herein under fictitious names. Their true names are unknown to Plaintiff. When their true names are ascertained, Plaintiff will amend this complaint by inserting their true names herein.

///

1 14. At all times relevant to the complaint OFFICER M. CZAS and DOES 1 through 50, were
2 employees of Defendant CITY OF SAN DIEGO. OFFICER M. CZAS and DOES 1 through
3 50, in doing the acts hereindescribed and referred to, were acting in such capacity as an
4 agent, servant and employee of the CITY OF SAN DIEGO and its Police Department, and
5 were acting under the direction and control of the CITY OF SAN DIEGO and its Police
6 Department, and were acting pursuant to either official policy, or the custom, practice, and
7 usage of the CITY OF SAN DIEGO and its Police Department.

8
9 15. Plaintiff are informed and believe, and thereon allege that each of the fictitiously named
10 Defendants are responsible in some manner for the occurrences herein alleged, and that
11 Plaintiff damages herein alleged were proximately caused by those Defendants.
12

13 **FACTS COMMON TO ALL COUNTS**

14 16. Plaintiff allege on information and belief, that on May 30, 2005 police officers with the
15 CITY OF SAN DIEGO Police Department were called to the scene of a domestic dispute at
16 DECEDENT's home in San Diego.

17
18 17. DECEDENT was a 51 year old African American man at the time of the incident.
19

20 18. The first Police Officers to arrive to the scene were Officer M. Czas and another unknown
21 officer with the CITY's Police Department, (hereinafter referred to as DOE 1). While in
22 DECEDENT'S home said Officers allegedly requested that DECEDENT, Ramel Henderson
23 sit down and DECEDENT, Ramel Henderson allegedly refused and began to approached the
24 officers.

25 ///

26 ///

27 ///

28

1 19. Upon information and belief when the DECEDENT allegedly failed to comply with the
2 officers' orders to sit down CITY'S Police Officers violently attacked DECEDENT, and
3 punched, slapped and hit DECEDENT causing physical injury to his body.
4

5 20. Upon information and belief CITY'S Police Officers then grabbed DECEDENT Ramel
6 Henderson and slammed him up against the wall.
7

8 21. Upon information and belief CITY'S Police then forced DECEDENT onto the couch face
9 down and handcuffed him.
10

11 22. CITY'S Police Officers DOES 2 through 25 arrived and maximal restraints were placed on
12 DECEDENT.
13

14 23. While DECEDENT, Ramel Henderson was handcuffed CITY'S Police Officers pulled
15 DECEDENT off the couch and slammed him face down onto the floor in a prone position
16 and shackled his waist and ankles behind his back, while severely beating him.
17

18 24. CITY'S Police Officers connected the leg shackles to the handcuffs, thereby binding his
19 hands and legs together, this four-point restraint or hogtie completely immobilized
20 DECEDENT.
21

22 25. DECEDENT'S air supply was cut off, and he became alarmed and stopped breathing and
23 while he was shackled the DECEDENT lost consciousness.
24

25 26. Upon information and belief after DECEDENT was kicked, punched, and severely beaten,
26 the CITY'S Police Officers put their feet into his back and re-shackled and tightened the
27 restraints around DECEDENT's ankles, waist and back.
28

1 27. DECEDENT suffered multiple blunt force injuries at the hands of CITY'S Police Officers
2 including a dislocated left shoulder; fractured ribs; contusions of the scalp, and erythema of
3 the right cheek; lacerations and contusion of tip of tongue and upper mucosa; contusions and
4 abrasions of upper extremities; contusions of lower extremities; contusions of back; and
5 abrasion of abdomen.

6
7 28. DECEDENT was killed on May 30, 2007, by CITY'S Police Officers.

8
9 29. Defendant CZAS, and Defendants DOES 1 through 50 acted with evil motive and intent,
10 and in callous, reckless, and wanton disregard for the rights of Ramel Henderson, justifying
11 the award of punitive damages against Defendants in their individual capacity.

12
13 30. On information and belief, the abuse to which the DECEDENT was subjected was consistent
14 with an institutionalized practice of the San Diego Police Department, which was known to
15 and ratified by all defendants and the defendants have at no time taken any effective action
16 to prevent San Diego Police personnel from continuing to engage in such misconduct.

17
18 31. On information and belief Defendants, LANSDOWN and CITY had prior notice of the
19 vicious propensities of Defendant CZAS and Defendants DOES 1 through 50 but took no
20 steps to train them, correct their abuse of authority, or to discourage their unlawful use of
21 authority. The failure to properly train Defendant CZAS and Defendants DOES 1 through
22 50 included the failure to instruct them in applicable provisions of the California State Penal
23 Law and with proper and prudent use of force.

24 ///

25 ///

26 ///

1 32. On information and belief Defendants, LANSDOWN and CITY authorized, tolerated as
2 institutionalized practices, and ratified the misconduct hereinbefore detailed by:

3
4 (a) Failing to discipline, restrict, and control employees, including Defendant CZAS and
5 Defendants DOES 1 through 50, known to be irresponsible in their dealings with
6 citizens of the community;

7
8 (b) Failing to take adequate precautions in the hiring, promotion, and retention of police
9 personnel, including specially Defendant CZAS and Defendants DOES 1 through 50;

10
11 (c) Failing to forward to the office of the District Attorney of San Diego County
12 evidence of criminal acts committed by police personnel;

13
14 (d) Failing to establish and/or assure the functioning of a bona fide and meaningful
15 departmental system for dealing with complaints of police misconduct, but instead
16 responding to such complaints with bureaucratic power and official denials
17 calculated to mislead the public. This conduct also constitutes gross negligence
18 under state law.

19
20 33. As a proximate result of these acts, Defendant CZAS and Defendants DOES 1 through 50
21 caused DECEDENT to be beaten, sustain blunt force injuries, while in a prone position and
22 while shackled, thereby causing his death.

23 ///

24 ///

25 ///

1 34. As a direct, legal and proximate result of said conduct of Defendants, and each of them, a
2 previously alleged, Plaintiff sustained the following damages:

- 3
- 4 a) General damages for the loss of love, companionship, comfort, affection, society,
5 solace, and moral support;
- 6
- 7 b) Loss of financial support in an amount not yet fully ascertained;
- 8
- 9 c) Medical expenses for medical and hospital care and treatment of Ramel Henderson,
10 deceased before his death;
- 11
- 12 d) Funeral and burial expenses for Ramel Henderson, deceased, in an amount not yet
13 fully ascertained; and
- 14
- 15 e) Injuries to their body and mind.
- 16

17 35. As a further proximate result of the acts of the Defendant CZAS and Defendants DOES 1
18 through 50, Plaintiff was compelled to secure the services of an attorney at law, and by
19 virtue thereof, Defendants are liable for attorneys' fees pursuant to 42 U.S.C. §1988.

20 ///

21 ///

22 ///

FIRST CAUSE OF ACTION
EXCESSIVE USE OF FORCE

(Against All Defendants Cognizable Under 42 U.S.C. §1983)

For their cause of action against the aforesated Defendants in the First Cause of Action,
Plaintiff state:

36. By this reference, Plaintiff incorporates each and every allegation and averment set forth in paragraphs 1 through 35 of this Complaint as though fully set forth herein.

37. As a direct and proximate result of the afore described unlawful and malicious physical abuse of DECEDENT by Defendant CZAS and Defendants DOES 1 through 50, committed under color of law and under each individual's authority as a Police Officer with the CITY OF SAN DIEGO'S Police Department, Ramel Henderson suffered grievous bodily harm and was deprived of his right to be secure in his person, against unreasonable seizure of his person and the use of excessive force, in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. §1983.

38. The CITY is alleged to have knowingly, or with gross negligence, or with deliberate indifference to the constitutional rights of persons within the jurisdiction of San Diego County, maintained or permitted an official policy and/or custom of permitting citizens to be hogtied and beaten by employees of the SAN DIEGO Police Department and based on the principles set forth in *Monell v. New York City Department of Social Services*, 436 U.S. 658 (1978), and *Heller v. Hunley*, 759 F.2d 1371 (9th Circ. 1985), is liable for all injuries sustained by Plaintiff as set forth herein.

39. As a direct and proximate result of the malicious and outrageous conduct of Defendant CZAS and Defendants DOES 1 through 50 as aforescribed, DECEDENT was caused to die after being beaten, thrashed and hogtied by said Defendants.

1 40. The acts of Defendant CZAS and Defendants DOES 1 through 50 were intentional, wanton,
2 malicious and oppressive, thus entitling Plaintiff to an award of punitive damages against
3 said Defendants in their individual capacities.

4
5 41. By reason of the aforementioned acts and omissions of Defendant CZAS and Defendants
6 DOES 1 through 50, Plaintiff have been and will forever be deprived of the love, affection,
7 society, companionship, support and pecuniary benefits of DECEDENT, and of their familial
8 relationship with him, all to Plaintiff's damage in a sum to be proved at trial.

9
10 42. By reason of the aforementioned acts and omissions of Defendant CZAS and Defendants
11 DOES 1 through 50, Plaintiff were required to and did incur funeral, burial, and incidental
12 expenses in an amount as proved.

13
14 43. By reason of the aforescribed acts and omissions of Defendant CZAS and Defendants
15 DOES 1 through 50, DECEDENT suffered severe pain and was deprived of his life and the
16 enjoyment and pleasure of living.

17
18 44. The aforescribed acts and omissions of defendants were done maliciously, knowingly and
19 willfully and in callous and reckless disregard of DECEDENT's and plaintiff's constitutional
20 rights, and by reason thereof, Plaintiff claim exemplary and punitive damages in an amount
21 as proved.

22
23 45. By reason of the aforescribed acts and omissions of Defendant CZAS and Defendants
24 DOES 1 through 50, Plaintiff were required to retain an attorney to institute and prosecute
25 the within action, and to render legal assistance to Plaintiff that they might vindicate the loss
26 and impairment of their and DECEDENT's rights, and by reason thereof, Plaintiff request
27 payment by defendants of a reasonable sum for attorney's fees pursuant to 42 U.S.C. § 1983.

1 46. The conduct of Defendant CZAS and Defendants DOES 1 through 50, acting individually
2 and together in concert, resulted in Plaintiff being maliciously and unlawfully subjected to
3 the use of excessive force, and Plaintiff was thereby deprived of his rights as secured by the
4 Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C.
5 §1983.

6
7 47. If Plaintiff prevails, they are entitled to an award of attorneys' fees and costs pursuant to 42
8 U.S.C. §1988.

9
10 **SECOND CAUSE OF ACTION**
11 **FAILURE TO INSTRUCT, SUPERVISE, CONTROL, AND DISCIPLINE**

12 (Against Defendants, LANSDOWN and CITY OF SAN DIEGO,
Cognizable Under 42 U.S.C. §1983)

13 For their cause of action against the aforesated Defendants in the Second Cause of Action,
14 Plaintiff state:

15
16 48. By this reference, Plaintiff incorporates each and every allegation and averment set forth in
17 paragraphs 1 through 47 of this Complaint as though fully set forth herein.

18
19 49. At all times relevant to this Complaint, Defendants DOES 1 through 50, as Police Officers
20 of the CITY OF SAN DIEGO Police Department, were acting under the direction and control
21 of the CITY OF SAN DIEGO which acted through its agents and employees who were
22 responsible for making policy of the Police Department, its officers and operations, and were
23 acting pursuant to either official policy or the practice, custom, and usage of the CITY and
24 its Police Department.

25 ///

26 ///

27 ///

1 50. Acting under color of law, by and through its policy-makers and pursuant to official policy
2 or custom and practice, the CITY OF SAN DIEGO intentionally, knowingly, recklessly, or
3 with deliberate indifference to the rights of the the Citizens of San Diego and specifically
4 DECEDENT, Ramel Henderson failed to instruct, supervise, control, and/or discipline, on
5 a continuing basis, their respective employees, in the performance of their duties to refrain
6 from:

- 7
- 8 a. unlawfully and maliciously using unreasonable and excessive force before, during,
9 or after the making of an arrest and or detention, whether the detention and/or arrest
10 was lawful or unlawful;
- 11
- 12 b. fabricating criminal charges and ordinance violations against a citizen for the purpose
13 of shielding themselves from criminal or civil liability for violating that citizen's civil
14 rights;
- 15
- 16 c. falsifying police reports and other statements, including court testimony;
- 17
- 18 e. conspiring to violate the rights, privileges, and immunities guaranteed to Plaintiff by
19 the Constitution and laws of the United States and the laws of the State of California;
20 and,
- 21
- 22 f. otherwise depriving citizens of their constitutional or statutory rights, privileges, and
23 immunities.

24 ///

25 ///

26 ///

1 51. Each of the above Defendants had knowledge of or, had it diligently exercised its duties to
2 instruct, supervise, control, and discipline on a continuing basis, should have had knowledge
3 that the wrongs that were done, as heretofore alleged, or other unlawful or constitutional acts
4 were going to be committed. Moreover, these Defendants had power to prevent or aid in
5 preventing the commission of said wrongs, could have done so, and intentionally, knowingly,
6 or with deliberate indifference to the rights of their respective inhabitants failed or refused
7 to do so.

8
9 52. These Defendants, directly or indirectly, under color of law, approved or ratified the
10 unlawful, deliberate, malicious, reckless, and wanton conduct of their respective employees
11

12 53. By reason of the aforementioned acts and omissions of defendants, Plaintiff have been and
13 will forever be deprived of the love, affections, society, companionship, support and
14 pecuniary benefits of DECEDENT, and of their familial relationship with him, all to
15 plaintiff's damage in a sum to be proved at trial.
16

17 54. By reason of the aforementioned acts and omissions of defendants, Plaintiff were required
18 to and did incur funeral, burial, and incidental expenses in an amount as proved.
19

20 55. By reason of the aforescribed acts and omissions of defendants, DECEDENT suffered
21 severe pain and was deprived of his life and the enjoyment and pleasure of living.
22

23 56. The aforescribed acts and omissions of defendants were done maliciously, knowingly and
24 willfully and in callous and reckless disregard of DECEDENT's and Plaintiff's constitutional
25 rights, and by reason thereof, Plaintiff claim exemplary and punitive damages in an amount
26 as proved.
27
28

1 57. By reason of the aforescribed acts and omissions of defendants, Plaintiff were required to
2 retain an attorney to institute and prosecute the within action, and to render legal assistance
3 to Plaintiff that they might vindicate the loss and impairment of their and DECEDENT's
4 rights, and by reason thereof, Plaintiff request payment by defendants of a reasonable sum
5 for attorney's fees pursuant to 42 U.S.C. Section 1983.

6
7 58. The conduct of Defendant CZAS and Defendants DOES 1 through 50, acting individually
8 and together in concert, resulted in Ramel Henderson being maliciously and unlawfully
9 subjected to the use of deadly force, and DECEDENT and Plaintiff were thereby deprived
10 of their rights as secured by the Fourth and Fourteenth Amendments of the Constitution of
11 the United States and 42 U.S.C. §1983.

12
13 59. If Plaintiff prevail, they are entitled to an award of attorneys' fees and costs pursuant to 42
14 U.S.C. §1988.

15
16 **THIRD CAUSE OF ACTION**
17 **WRONGFUL DEATH**
18 **(Against All Defendants)**

19 For their cause of action against the aforesated Defendants in the Third Cause of Action,
20 Plaintiff state:

21
22 60. By this reference, Plaintiff incorporate each and every allegation and averment set forth in
23 paragraphs 1 through 59 of this Complaint as though fully set forth herein.

24 ///

25 ///

26 ///

61. The actions of Defendant CZAS and Defendants DOES 1 through 50 in causing the death of Ramel Henderson were wrongful, in that said Defendants used excessive and/or deadly force against Mr. Henderson at a time when he did not present any threat of death or great bodily injury to the police officers or the public. Based on the above, the use of deadly force against him was unjustified and unreasonable under the circumstances.

62. As a proximate result of these acts, Defendant CZAS and Defendants DOES 1 through 50, caused Ramel Henderson to be fatally injured, and thereby resulting in his death while in custody.

63. By reason of the aforementioned acts and omissions of defendants, Plaintiff have been and will forever be deprived of the love, affections, society, companionship, support and pecuniary benefits of DECEDENT, and of their familial relationship with him, all to plaintiff's damage in a sum to be proved at trial.

64. By reason of the aforementioned acts and omissions of defendants, Plaintiff were required to and did incur funeral, burial, incidental expenses in an amount as proved.

65. By reason of the aforescribed acts and omissions of defendants, DECEDENT suffered severe pain and was deprived of his life and the enjoyment and pleasure of living.

66. The aforescribed acts and omissions of defendants were done maliciously, knowingly and willfully and in callous and reckless disregard of DECEDENT's and Plaintiff's constitutional rights, and by reason thereof, Plaintiff claim exemplary and punitive damages in an amount as proved.

///

///

FOURTH CAUSE OF ACTION
SURVIVAL ACTION
(Against All Defendants)

For their cause of action against the aforestated Defendants in the Fourth Cause of Action, Plaintiff state:

67. By this reference, Plaintiff incorporate each and every allegation and averment set forth in paragraphs 1 through 66 of this Complaint as though fully set forth herein.

68. As a proximate result of these acts, Defendants DOES 1 through 50, caused Ramel Henderson to be fatally injured, thereby resulting in his death while in custody.

69. By reason of the aforementioned acts and omissions of defendants, Plaintiff were required to and did incur funeral, burial, and incidental expenses in an amount as proved.

70. By reason of the aforescribed acts and omissions of defendants, DECEDENT suffered severe pain and was deprived of his life and the enjoyment and pleasure of living.

71. The aforescribed acts and omissions of defendants were done maliciously, knowingly and willfully and in callous and reckless disregard of DECEDENT's and Plaintiff's constitutional rights, and by reason thereof, Plaintiff's claim exemplary and punitive damages in an amount as proved.

72. Defendant(s), and each of them, acted with evil motive and intent, and in callous, reckless, and wanton disregard for the rights of Plaintiff justifying the award of punitive damages.

///

///

FIFTH CAUSE OF ACTION
NEGLIGENCE

(Against Defendants POLICE OFFICER M. CZAS and DOES 1 through 50)

For their cause of action against the aforesated Defendants in the Fifth Cause of Action, Plaintiff state:

73. Plaintiff hereby incorporates by reference Paragraphs 1 through 72, as if set forth in full herein.

74. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of them, were under a duty to exercise reasonable care in restraining DECEDENT.

75. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of them, failed to perform said duties.

76. Defendants, and each of them, negligently, carelessly and recklessly used excessive force to restrain DECEDENT resulting in his death.

77. As a direct and proximate result of the conduct of Defendants, and each of them, DECEDENT was fatally injured. Plaintiff sustained the following damages:

- a) General damages for the loss of love, companionship, comfort, affection, society, solace, and moral support;
- b) Loss of financial support in an amount not yet fully ascertained;
- c) Medical expenses for medical and hospital care and treatment of Ramel Henderson, deceased before his death;
- d) Funeral and burial expenses for Ramel Henderson, deceased, in an amount not yet fully ascertained.
- e) Injuries to their body and mind; and

1 78. Solely and proximately as a result of the conduct of Defendants, and each of them, Plaintiff
2 has incurred indebtedness, Plaintiff will prove the amount of such damages at the time of
3 trial.

4 NEGLIGENCE
5 (Against Defendants LANSDOWN and CITY)

6 For their cause of action against the aforesated Defendants in the Fifth Cause of Action,
7 Plaintiff state:

8
9 79. Plaintiff hereby incorporates by reference Paragraphs 1-78, as if set forth in full herein.

10
11 80. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of them,
12 were under a duty to exercise reasonable care in restraining DECEDENT. Furthermore,
13 Defendants, and each of them, were under a duty to properly and adequately supervise train,
14 and/or monitor Defendants CZAS and DOES 1 through 50 on the proper and prudent use of
15 force.

16 ///

17 ///

18 ///

1 81. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of them,
2 failed to perform said duties. Moreover, the Defendants tolerated as institutionalized
3 practices, and ratified the misconduct by:

4
5 (a) Failing to discipline, restrict, and control employees, including Defendant CZAS and
6 Defendants DOES 1 through 50, known to be irresponsible in their dealings with
7 citizens of the community;

8
9 (b) Failing to take adequate precautions in the hiring, promotion, and retention of police
10 personnel, including specially Defendant CZAS and Defendants DOES 1 through 50;

11
12 (c) Failing to forward to the office of the District Attorney of San Diego County
13 evidence of criminal acts committed by police personnel;

14
15 (d) Failing to establish and/or assure the functioning of a bona fide and meaningful
16 departmental system for dealing with complaints of police misconduct, but instead
17 responding to such complaints with bureaucratic power and official denials
18 calculated to mislead the public. This conduct also constitutes gross negligence
19 under state law.

20
21 82. As a direct and proximate result of the conduct of Defendants, and each of them, Plaintiff
22 was injured in her health, strength and activities, sustaining injury to her body, and shock and
23 injury to her nervous system, all of which injuries have caused and continue to cause Plaintiff
24 great physical, mental and nervous pain and suffering. Plaintiff is informed and believes, and
25 thereupon alleges, that said injuries will result in some permanent disability to her, in an
26 amount which Plaintiff will prove at the time of trial hereof.

83. Solely and proximately as a result of the conduct of Defendants, and each of them, Plaintiff has incurred indebtedness for physicians, in the treatment of the said injuries in an amount which Plaintiff is unable at this time to ascertain, and she will become obligated in the further treatment of the said injuries for an indefinite period of time in the future. Plaintiff will prove the amount of such damages at the time of trial.

84. As a result of the aforementioned injuries, Plaintiff suffered general damages in an amount within the jurisdiction of this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff pray judgment against defendants, and each of them as follows:

1. General damages according to proof;
2. Special damages according to proof;
3. Punitive damages in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct;
4. Attorney's fees;
5. Loss of earnings, past and future;
6. For interest as allowed by law;
7. Cost of suit incurred herein; and
8. For such other and further relief as the Court may deem proper;

DATED: June 9, 2008

Respectfully submitted,

WILLOUGHBY & ASSOCIATES

By:

Ronnivashti Whitehead, Esq.
Attorneys for Plaintiff,
ESTATE OF RAMEL HENDERSON

DEMAND FOR JURY TRIAL

Plaintiff hereby demand a trial by jury.

DATED: June 9, 2008

Respectfully submitted,

WILLOUGHBY & ASSOCIATES

By:

Ronnivash Whitehead, Esq.
Attorneys for Plaintiff,
ESTATE OF RAMEL HENDERSON

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

OCIE HENDERSON, ADMINISTRATOR, ESTATE OF RAMEL HENDERSON

DEFENDANTS

CITY OF SAN DIEGO, POLICE CHIEF WILLIAM LANSDOWN;
POLICE OFFICER M. CHASE

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

Ronnivashti Whitehead
Willoughby & Associates
200 Corporate Pointe Ste 495
Culver City, CA 90230
Tel: (310) 642-0600

Attorneys (If Known)
Andrew Jones, Deputy City Attorney
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101
(619) 533-5800

08 CV 1491 JLS IMA

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 PTF ☒ 1 DEF
Citizen of Another State ☐ 2 ☐ 2
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3
Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. section 1983

Brief description of cause:

Plaintiff alleges civil rights violations of decedent

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$1.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 14, 2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

154062 - MB

**August 14, 2008
16:14:12**

Civ Fil Non-Pris

USAO #: 08CV1491 CIVIL FILING
Judge: JANIS L. SAMMARTINO
Amount: \$350.00 CK
Check#: BC42333

Total-> \$350.00

**FROM: OCIE HENDERSON, ADMINISTRATOR,
ESTATE OF RAMEL HENDERSON VS
CITY OF SAN DIEGO, ET AL**